

THE STATE OF OHIO, APPELLEE, v. WALLS, APPELLANT.

[Cite as *State v. Walls*, 125 Ohio St.3d 1201, 2010-Ohio-1806.]

Motion for reconsideration granted, discretionary appeal accepted on Proposition of Law No. I, judgment of the court of appeals reversed in part on the authority of State v. Singleton, and cause remanded to the trial court.

(No. 2009-2112 — Submitted April 20, 2010 — Decided April 28, 2010.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 92280,
2009-Ohio-4985.

ON MOTION FOR RECONSIDERATION.

{¶ 1} Appellant has filed a motion for reconsideration of the court's denial of the discretionary appeal in this matter, reported at 124 Ohio St.3d 1476, 2010-Ohio-354, 921 N.E.2d 247.

{¶ 2} The motion for reconsideration is granted. The discretionary appeal is accepted on Proposition of Law No. I. The judgment of the court of appeals is reversed as to its holding on the second assignment of error below on the authority of *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434, 920 N.E.2d 958, and the cause is remanded to the trial court for further proceedings consistent with *State v. Singleton*.

LUNDBERG STRATTON, O'CONNOR, O'DONNELL, and CUPP, JJ., concur.

PFEIFER, ACTING C.J., and LANZINGER, J., dissent and would deny the motion for reconsideration.

The late CHIEF JUSTICE THOMAS J. MOYER did not participate in the decision in this case.

SUPREME COURT OF OHIO

William D. Mason, Cuyahoga County Prosecuting Attorney, and T. Allan Regas, Assistant Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and John T. Martin, Assistant Public Defender, for appellant.
